

APPEAL NO. 030595
FILED APRIL 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 4, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that the respondent (carrier) is not relieved from liability under Section 409.002 because the claimant did timely report her claimed injury of _____, as required by Section 409.001. The claimant appealed the compensable injury determination essentially on sufficiency of the evidence grounds. The carrier responded, urging affirmance.

DECISION

We affirm.

Claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10). The claimant testified that she was injured while lifting a bag while working in customer service at the ticket counter for her employer. Conflicting evidence was presented on this disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer specifically noted that the claimant's testimony was not credible. The hearing officer's decision on the appealed issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge